

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02748-WYD-BNB

COLORADO CASUALTY INSURANCE COMPANY, a New Hampshire corporation,

Plaintiff,

v.

INFINITY LAND CORPORATION, a dissolved Colorado corporation,
H2 LAND CO, LLC, a dissolved Colorado limited liability company,
HOWARD FAMILY INVESTMENTS, LLC, a dissolved Colorado liability company,
JONATHAN HOWARD,
PAUL HOWARD,
KF 103 CV, LLC, a Colorado limited liability company,
WILLIAM MARCHANT,
MAUREEN M. MARCHANT,
WILLIAM E. HOWELL, as Successor Trustee of the MARILYN J. HOWELL TRUST,
C. ARLENE NANCE,
WILLIAM PECK,
DARRELL H. OLIVER,
KELLY ANN OLIVER, and
SUSAN HANSON,

Defendants.

**ORDER ADOPTING AND AFFIRMING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

THIS MATTER is before the Court on the Recommendation of United States Magistrate Judge ("Recommendation"), filed April 9, 2014. (ECF No. 92). In the Recommendation, Magistrate Judge Boland recommends that the Unopposed Motion to Reopen be granted for good cause shown. (Recommendation at 1-2). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 36(b)(1)(B), Fed. R. Civ. P. 72(b).

Magistrate Judge Boland advised the parties that written objections were due within fourteen (14) days after service of a copy of the Recommendation. (Recommendation at 2). Despite this advisement, no objections were filed to the Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation "under any standard [I] deem[] appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Nonetheless, though not required to do so, I review the Recommendation to "satisfy [my]self that there is no clear error on the face of the record."¹ See Fed. R. Civ. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I find that Magistrate Judge Boland's Recommendation is thorough, well reasoned and sound. I agree with Magistrate Judge Boland that this matter should be reopened for good cause shown.

Based on the foregoing, it is

ORDERED that the Recommendation of United States Magistrate Judge Boland (ECF No. 92) is **AFFIRMED** and **ADOPTED**. In accordance therewith, it is

ORDERED that the Unopposed Motion to Reopen (ECF No. 90) is **GRANTED**,

¹ Note, this standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a *de novo* review, Fed. R. Civ. P. 72(b).

and this action is reopened for further proceedings.

Dated: April 25, 2014

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Senior United States District Judge